



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,726	07/09/2003	John B. Freese	0212.67070	1792

7590 05/17/2006  
GREER, BURNS & CRAIN, LTD.  
Suite 2500  
300 South Wacker Drive  
Chicago, IL 60606

EXAMINER

SELF, SHELLEY M

ART UNIT PAPER NUMBER

3725

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/615,726

Applicant(s)

FREESE ET AL.

Examiner

Shelley Self

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-22 and 38-43 is/are allowed.
- 6) ☒ Claim(s) 32,33 and 44-48 is/are rejected.
- 7) ☒ Claim(s) 34-37 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Amendment*

The amendment filed on February 6, 2006 has been considered but is ineffective to overcome the prior art reference.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomayko (6,779,954) in view of Long et al. (6,419,429) as noted in the previous Office action. Tomayko discloses a router comprising a motor assembly having a housing (10) containing a motor for driving an output shaft (18) to which a bit holding mechanism (4) can be attached (fig. 1), operating handles (2) attached to a base (20); and operating controls (12) for operating said motor; and a fixed base assembly (20) into which said motor assembly can be removably installed (col. 2, lines 25-31), said fixed base assembly having a planar bottom surface (fig. 1) a depth adjustment mechanism (30) and a (first) motor assembly locking mechanism (40) for locking said motor assembly in said fixed base assembly. Tomayko does not disclose the handles to be directly attached to the motor housing, though inadvertently attached to the motor housing via the base assembly.

Long teaches in a similar art a router having a planar bottom base (14) wherein a motor housing (18) is vertically movable relative to the base so as to position a depth of a cutting

Art Unit: 3725

element (26) of the router (10). Long additionally teaches handles attached to the motor housing for improved ergonomic advantages. Long explicitly teaches that the handles (16r, 16l) can be used with either a fixed or plunge base assembly router (col. 2, lines 26-27). Because the references are from a similar art and deal with a similar problem (i.e., manual operation of a vertically displaceable motor housing in a router) it would have been obvious at the time of the invention to one having ordinary skill in the art to rearrange Tomayko's handles such that they were attached to the motor housing as taught by Long for efficient ergonomic advantages to the operator when grasping the handles.

Claim 33 and claim 45 as best as can be understood are rejected under 35 U.S.C. 103(a) as being unpatentable over Tomayko (6,779,954) in view of Long et al. (6,419,429) as applied to claim 32 above, and further in view of McDonald et al. (6,725,892) as noted in the previous Office Action. Tomayko does not disclose a depth adjustment controller comprising a knob located on the top of one side of the motor assembly housing. McDonald teaches in a similar art a router (fig. 1) having a fixed base (24) wherein a motor housing (28) is moveably supported relative to the base (col. 2, lines 58-62). McDonald also teaches a depth adjustment controller (col. 5, lines 42-46) having a knob (236) located on a top side of the motor housing (fig. 3) for adjusting the depth of cut of a bit/tool (142). Because the references are from a similar art and deal with a similar problem (i.e., depth adjustment in a fixed base router) it would have been obvious at the time of the invention to one having ordinary skill in the art to replace Tomayko's depth adjustment mechanism/ring (30) depth adjusting device with a depth adjustment device

Art Unit: 3725

including a knob so as to accurately increase or decrease the depth of cut of the tool/bit as taught by McDonald.

Claims 46, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pientka et al. (6,726,414) in view of Long et al. (6,419,429) as noted in the previous Office Action. Pientka discloses a router motor assembly capable of being installed in a plunge base or a fixed base to operate as a plunge base router or a fixed base router (col. 2, lines 60-63), said motor assembly comprising a housing (16) with a motor for driving an output shaft (fig. 6) to which a bit holding mechanism (18) can be attached for holding a tool bit (19), operating controls (38) and operating handles (34, 36) attached to the base (12, 26), wherein the operating control (38) is located in one of said handles (34). Pientka does not disclose the handles attached directly to the motor housing, though inadvertently attached via the base.

As noted above, Long teaches in a similar art a router having a planar bottom base (14) wherein a motor housing (18) is vertically movable relative to the base so as to position a depth a cutting element (26) of the router (10). Long additionally teaches handles attached to the motor housing for improved ergonomic advantages. Long teaches the handles (16r, 16l) having a generally horizontal shoulder portion (34r, 34l) which extends from an opposite side of said housing and which merge with a generally vertical grip portion (figs. 1, 3) that extends downwardly from the shoulder portion (figs. 1, 2), the bottom end of said grip portions extending to an elevation that can approach the elevation of said bottom of the base. Long explicitly teaches that the handles (16r, 16l) can be used with either a fixed or plunge base assembly router (col. 2, lines 26-27). Because the references are from a similar art and deal with a similar problem (i.e., manual operation of a vertically displaceable motor housing in a router) it would

Art Unit: 3725

have been obvious at the time of the invention to one having ordinary skill in the art to rearrange Pientka's handles such that they were attached to the motor housing as taught by Long for efficient ergonomic advantages to the operator when grasping the handles.

As to the approach of the vertical grip portions Examiner notes that as the housing is lowered the downwardly vertical grip portions would approach the base, i.e., become near to.

Claim 47 as best as can be understood is rejected under 35 U.S.C. 103(a) as being unpatentable over Pientka et al. (6,726,414) in view of Long et al. (6,419,429) as applied to claim 46 above, and further in view of McDonald (6,725,892). Pientka does not disclose a depth controller comprising a knob. Pientka does however disclose a depth adjustment mechanism (14). As noted above, McDonald teaches in a similar art a router (fig. 1) having a fixed base (24) wherein a motor housing (28) is moveably supported relative to the base (col. 2, lines 58-62). McDonald also teaches a depth adjustment controller (col. 5, lines 42-46) having a knob (236) located on a top side of the motor housing (fig. 3) for adjusting the depth of cut of a bit/tool (142). Because the references are from a similar art and deal with a similar problem (i.e., depth adjustment in a fixed base router) it would have been obvious at the time of the invention to one having ordinary skill in the art to replace Pientka's depth adjustment mechanism/ring (14) depth adjusting mechanism with a depth adjustment mechanism including a knob so as to accurately increase or decrease the depth of cut of the tool/bit as taught by McDonald.

***Allowable Subject Matter***

Claims 1-22 and 38-43 are allowed.

Art Unit: 3725

Claims 34-37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record does not disclose or fairly suggest a router comprising a *motor assembly and plunge base assembly having a motor carrier assembly a motor assembly locking mechanism for removably locking said motor assembly in said motor carrier assembly* in combination with the rest of the claimed limitations as set forth in claims 1 and 38.

The prior art of record does not disclose or fairly suggest *at least one segment of relatively thin wall around the circumference thereof... an elongated live hinge in said one relatively thin wall segment* in combination with the rest of the claimed limitations as set forth in claim 34

The prior art reference Tomayko (6,779,954), discloses a fixed base router (fig. 1) having a motor unit (10), a *fixed base* assembly (20) and a depth adjustment mechanism/ring (30) for adjusting the depth of cut of the cutting tool (4). Tomayko discloses the motor assembly unit (10) having a housing and operating controls (12), the motor assembly unit (10) to be removably installed into the *fixed base* assembly (20) as well as vertically movable/slidable (col. 5, lines 28-29) for positioning the router cutting tool (4) relative to the base. Tomayko further discloses operating handles attached to the base of the router unit. Tomayko does not disclose the handles attached to the motor housing, *a plunge base assembly, motor assembly locking mechanism for removably locking or a relatively thin wall segment*. Accordingly, Tomayko fails to anticipate or render obvious the claimed invention as set forth in claims 1, 34 and 38.

Prior art reference Pientka et al. (6,726,414) discloses a fixed based router (fig. 1) having a base (12), a motor housing (16) having an output shaft for driving a router bit (19) and a depth adjustment mechanism (14). Pientka also discloses that the base (12) has a *fixed base* attachment (26) but may be provided with a plunge base attachment (col. 2, lines 58-63). Pientka discloses handles (34, 36) attached to the fixed base (fig. 1) and operating controls (38, 39) associated with the handle (34) for controlling the router (10). Pientka does not disclose a *plunge base assembly, motor assembly locking mechanism for removably locking said motor or at least one segment of relatively thin wall around the circumference thereof*. Accordingly, Pientka fails to anticipate or render obvious the claimed invention as set forth in claims 1, 34 and 38.

Prior art reference Long et al. (6,419,429) discloses a plunge base router (fig. 1) the router comprising a motor assembly (12) including a motor housing (18), motor axis (20) and electric motor, a plunge base (14) having an annular body (28), columns (32r, 32l) extending upward from the plunge base (14) and mating with bushings (31r, 31l) of the motor assembly (12) so as to support the motor assembly (12). Long disclose the motor to have an output shaft (22) including a tool holder (24) for accepting a bit (26) and operating handles (16r, 16l). Long discloses the motor assembly to be vertically movable relative the base for positioning a desired depth of cut of the tool/bit (26). Further Long discloses a locking means (36) for locking the motor assembly at a desired depth or height. Long does not disclose a *motor assembly locking mechanism for removably locking said motor assembly or at least one segment of relatively thin wall around the circumference thereof*. Accordingly, Long fails to anticipate or render obvious the claimed invention as set forth in claims 1 and 38.



Art Unit: 3725

Although, Tomayko discloses a motor housing removable from a fixed base, there is no motivation to combine Tomayko's removability with Long because, the structural differences in Long's plunge base configuration (columns, bushings) are such that combination of the references would destroy Long.

Accordingly, neither the prior art of record nor any combination thereof discloses the claimed invention as set forth in claims 1, 34 and 38. Therefore claims 1-22 and 38-43 are deemed allowable over the prior art of record. Claims 34-37 contain allowable subject matter over the prior art of record.

### ***Response to Arguments***

Applicant's arguments filed February 6, 2006 have been carefully considered but they are not persuasive. Applicant's argument regarding rearrangement of parts has been noted.

In response to Applicant's arguments that there is no suggestion or motivation to combine Tomayko with the teachings of Long or Pientka with the teaches of Long this argument is not deemed persuasive. Further, Applicant argues that the Long reference is drawn to a conventional plunge base router and fails to teach or suggest a motor assembly removably installed in either a fixed or plunge base. This argument is not persuasive because Tomayko, Pientka and Long disclose a router assembly having a base and motor housing/assembly; the base and motor housing being connected. Additionally the references clearly disclose handles. The handles being used to maneuver the router(s) during operation. Examiner aggress that Long fails to teach a motor assembly removably installed in a base assembly, however this is not the deficiency of Tomayko or Pientka. The deficiency met by Long is that of handles directly

Art Unit: 3725

attached to a motor housing. Tomayko teaches a motor assembly removably installed in a base assembly. Long teaches the deficiency of the handles being attached to the motor assembly.

Furthermore, Examiner notes that Tomayko's and Pientka handles are inadvertently attached to the motor housing in that the handles are attached to the base and the base attached to the motor housing, thus the motor housing is attached to the handles.

As to Applicant's remarks that Long's recitation, that the handles of the present invention can be used on a fixed base router...is irrelevant to the teachings of Long and instead emphasizes the shape of the Long's handles, this too is not found persuasive. Long clearly discloses the handles attached directly to the motor housing, thus teaching not only the shape of the handles but also that handles can be attached to a motor housing. Because the prior art references all disclose a router having a motor housing, a base, handles and a vertical tool/bit extending and driven by a motor housed within the motor housing the references are analogous and proper combination is made.

Accordingly Applicant's arguments regarding improper combination of the prior art references Tomayko and Long and Pientka and Long are not found persuasive.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 3725

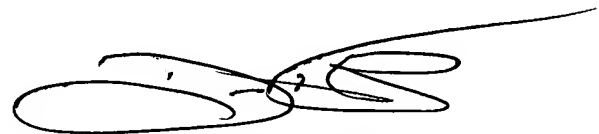
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf

May 13, 2005



DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700